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January 14, 2011

Honorable Robert M. Levy
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Mark Kraft, Trustee, v. Lincoln Benefit Life Company
Docket No. 10-2018 (JG) (RML)
Our File No. 4359.2301

Dear Judge Levy,

We represent plaintiff Mark Kraft, Trustee of the Marilyn Mandel Irrev. Trust DTD 6/12/05. With the consent of Andrew Hahn, attorney for defendant Lincoln Benefit Life Company, we are requesting that the Court set a new discovery schedule in light of the Third Party Complaint that has recently been filed by defendant.

On June 30, 2010, this Court adopted the parties' proposed discovery schedule. Due to various issues concerning a confidentiality agreement, this Court, on November 10, 2010, stated that "[d]epositions will begin no later than January," in effect extending the fact discovery schedule from December 31, 2010, the initial date for completion of factual discovery. On December 22, 2010, this Court granted defendant leave to file a third-party complaint bringing in Chaim Muskat as a third-party defendant. Defendant filed the Third-Party Complaint on December 28, 2010. As of this date, Third-Party Defendant has not answered the Third-Party Complaint.

In light of the third-party defendant being brought into this action, and awaiting third-party defendant's participation in the discovery process, the parties have not moved forward with any depositions to date and have not moved forward with expert reports. We respectfully request that the Court take these factors in consideration and set a new discovery schedule.

Very truly yours,

SCHINDEL, FARMAN, LIPSIUS,
GARDNER & RABINOVICH LLP



Ira S. Lipsius